

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re: _____) Chapter 11
)
EASTERN LIVESTOCK CO., LLC, _____) Case No. 10-93904-BHL-11
)
Debtor. _____)

**TRUSTEE'S MOTION FOR ORDER
ESTABLISHING DEPOSITION PROTOCOLS**

James Knauer, chapter 11 Trustee for Eastern Livestock Company LLC, respectfully moves the Court to enter an order, pursuant to Fed. R. Civ. P. 26(f)(3) and 30, made applicable by Fed. R. Bankr. P. 7026 and 7030, approving the protocols for depositions upon oral examination described below and as set forth in the proposed order attached as Exhibit 1. In support of this motion, the Trustee states as follows:

1. The Trustee believes it would be impractical to allow every party involved in the adversary proceedings and contested matters in this case to conduct their own single day, seven hour examination of each fact or expert witness. Accordingly, counsel for the Trustee have conferred with fourteen of the counsel of record for other active parties in this case to suggest deposition arrangements that hopefully will help balance the interests and burdens of the parties, counsel, and witnesses in this case.

2. These proposed protocols are intended to establish a few default rules for conducting the depositions and Rule 2004 examinations in all proceedings in this chapter 11 case, subject, of course, to modification by the Court for good cause and to accommodate particular circumstances as they may arise. The protocols mostly address notice and duration issues. The Trustee also believes the protocols would encourage coordination and cooperation

among counsel and provide incentives to complete the anticipate depositions in an efficient manner.

3. As set forth more specifically in the attached exhibit, this proposal would require witnesses to be made available upon notice (and, if necessary, subpoena) for up to two deposition days of testimony, preferably on consecutive days. Each day would be limited to no more than seven hours of testimony unless the witness and participants otherwise agree. All deposition notices would be required to be served electronically in the main chapter 11 Electronic Case File (ECF) at least fourteen calendar days prior to the first day of examination. Those who intend to examine the witness would be required to contact the counsel who served a deposition notice and then attempt to agree among themselves to designate a "lead attorney" for the examination. The lead attorney would be permitted no more than six hours of examination time, unless the other participants agree to allow the lead attorney additional time. The total time witnesses would be required to testify would be limited to fourteen (14) hours absent mutual consent of all participants and the witness, or an order of the Court.

4. While undersigned counsel for the Trustee believes there are some areas of general agreement about this proposal among the counsel who have considered it, a few counsel may present written objections or propose modifications. The Trustee cannot at this time represent to the Court that the proposed order has been stipulated to by all parties.

WHEREFORE, James Knauer, as chapter 11 Trustee for Eastern Livestock Company LLC, respectfully moves the Court to grant the Proposed Order Establishing Deposition Protocols attached as Exhibit 1.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Kevin M. Toner

Kevin M. Toner (#11343-49)
Harmony Mappes (#27237-49)
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1750
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
kevin.toner@faegrebd.com
harmony.mappes@faegrebd.com

Counsel for James A. Knauer, Chapter 11 Trustee

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 29, 2012, a copy of the foregoing was served electronically on the following counsel at the addresses listed below:

David L. Abt on behalf of Other Professional David Abt
davidabt@mwt.net

Amelia Martin Adams on behalf of Creditor Alton Darnell dba Darnell Alton Barn
aadams@dlgfirm.com

John W Ames on behalf of Creditor Joplin Regional Stockyards
james@bgdlegal.com, smays@bgdlegal.com; tmills@bgdlegal.com

Jerald I. Ancel on behalf of Creditor Russell DeCordova d/b/a deCordova Cattle Company
jancel@taftlaw.com, ecfclerk@taftlaw.com; krussell@taftlaw.com; dwineinger@taftlaw.com

T. Kent Barber on behalf of Creditor Blue Grass Maysville Stockyards, LLC
kbarber@dlgfirm.com, dlgecf@dlgfirm.com; dlgecfs@gmail.com

Robert A. Bell on behalf of Counter-Defendant Fifth Third Bank
rabell@vorys.com, dmchilelli@vorys.com

C. R. Bowles on behalf of Creditor Joplin Regional Stockyards
cbowles@bgdlegal.com, smays@bgdlegal.com; cjenkins@bgdlegal.com

Steven A. Brehm, Bingham Greenbaum Doll
sbrehm@bgdlegal.com, bbaumgardner@bgdlegal.com; smays@bgdlegal.com

Kent A Britt on behalf of Counter-Defendant Fifth Third Bank
kabritt@vorys.com, cbkappes@vorys.com

Lisa Koch Bryant on behalf of Creditor Peoples Bank & trust Co. of Pickett County
courtmail@fbhlaw.net

John R. Carr on behalf of Creditor First Bank and Trust Company, The
jrciii@acs-law.com, sfinnerty@acs-law.com

James M. Carr on behalf of Intervenor James Knauer, Trustee
jim.carr@faegrebd.com, sarah.herendeen@faegrebd.com; patricia.moffit@faegrebd.com

Deborah Caruso on behalf of Other Professional Kathryn Pry
dcaruso@daleeke.com, mthomas@daleeke.com

Bret S. Clement on behalf of Creditor First Bank and Trust Company, The
bclement@acs-law.com, sfinnerty@acs-law.com

Jason W. Cottrell on behalf of Creditor Rex Elmore
jwc@stuartlaw.com

Kirk Crutcher on behalf of Counter-Defendant Gene Shipman
kcrutcher@mcs-law.com, jparsons@mcs-law.com; cmarshall@mcs-law.com

Jack S Dawson on behalf of Defendant Jane, LLC
jdawson@millerdollarhide.com,
jowens@millerdollarhide.com; receptionist@millerdollarhide.com

Dustin R. DeNeal on behalf of Intervenor James Knauer, Trustee
dustin.deneal@faegrebd.com, patricia.moffit@faegrebd.com; sarah.herendeen@faegrebd.com

Laura Day DelCotto on behalf of Creditor Alton Darnell dba Darnell Alton Barn
ldelcotto@dlgfirm.com, dlgecf@dlgfirm.com; dlgecfs@gmail.com

David Alan Domina on behalf of Creditor Bellar Feed Lots, Inc.
dad@dominalaw.com, KKW@dominalaw.com; efiling@dominalaw.com

Daniel J. Donnellon on behalf of Creditor First Bank and Trust Company, The
ddonnellan@fclaw.com, knorwick@fclaw.com

Trevor L. Earl on behalf of Creditor Your Community Bank
tearl@rwsylaw.com

Shawna M Eikenberry on behalf of Counter-Claimant James Knauer
shawna.eikenberry@faegrebd.com, sarah.herendeen@faegrebd.com

Jeffrey R. Erler on behalf of Creditor Russell DeCordova d/b/a deCordova Cattle Company
jeffe@bellnunnally.com

Robert H. Foree on behalf of Creditor Kentucky Cattlemen's Association
robertforee@bellsouth.net

Sandra D. Freeburger on behalf of Creditor Estate of John S. Gibson, Anna Gayle Gibson, Execu
sfreeburger@dsf-atty.com, smattingly@dsf-atty.com

Peter M Gannott on behalf of Counter-Claimant Laurel Livestock Market, INC.
pgannott@gannottlaw.com, ahanover@gannottlaw.com; mkeane@gannottlaw.com

Melissa S. Giberson on behalf of Counter-Defendant Fifth Third Bank
msgiberson@vorys.com

Jeffrey J. Graham on behalf of Creditor Russell DeCordova d/b/a deCordova Cattle Company
jgraham@taftlaw.com, ECFClerk@taftlaw.com; krussell@taftlaw.com; aolave@taftlaw.com

Terry E. Hall on behalf of Intervenor James Knauer, Trustee
terry.hall@faegrebd.com, sharon.korn@faegrebd.com; sarah.herendeen@faegrebd.com

John David Hoover on behalf of Trustee James Knauer
jdhoover@hooverhull.com

John Huffaker on behalf of Creditor Friona Industries, LP
john.huffaker@sprouselaw.com, lynn.acton@sprouselaw.com; rhonda.rogers@sprouselaw.com

Jeffrey L Hunter on behalf of Joined Party United States Department of Agriculture, Grain Ins
jeff.hunter@usdoj.gov, USAINS.ECFBankruptcy@usdoj.gov

Jay Jaffe on behalf of Intervenor James Knauer, Trustee
jay.jaffe@faegrebd.com, sarah.herendeen@faegrebd.com

Todd J. Johnston on behalf of Counter-Claimant Gabriel Moreno
tjohnston@mcjllp.com

James Bryan Johnston on behalf of Creditor Bynum Ranch Co.
bjtexas59@hotmail.com, bryan@ebs-law.net

Jill Zengler Julian on behalf of Joined Party United States Department of Agriculture, Grain Ins
Jill.Julian@usdoj.gov

Edward M King on behalf of Creditor Fifth Third Bank
tking@fbtlaw.com, dgioffre@fbtlaw.com

James A. Knauer

jak@kgrlaw.com, hns@kgrlaw.com

Erick P Knoblock on behalf of Cross-Claimant Kathryn Pry
eknoblock@daleeke.com

Theodore A Konstantinopoulos on behalf of Creditor General Electric Capital Corporation
ndohbky@jbandr.com

Randall D. LaTour on behalf of Counter-Defendant Fifth Third Bank
RDLatour@vorys.com,

David A. Laird on behalf of Creditor Peoples Bank of Coldwater Kansas
david.laird@moyewhite.com, lisa.oliver@moyewhite.com; deanne.stoneking@moyewhite.com

David L. LeBas on behalf of Counter-Defendant J&F Oklahoma Holdings, Inc.
dlebas@namanhowell.com, koswald@namanhowell.com

Elliott D. Levin on behalf of Cross Defendant Joplin Regional Stockyards, Inc.
ed1@rubin-levin.net,

Elliott D. Levin on behalf of Petitioning Creditor Superior Livestock Auction, Inc.
robin@rubin-levin.net

Kim Martin Lewis on behalf of Other Professional Elizabeth Lynch
kim.lewis@dinslaw.com, lisa.geeding@dinslaw.com; patrick.burns@dinslaw.com

James B. Lind on behalf of Counter-Defendant Fifth Third Bank
jblind@vorys.com

Karen L. Lobring on behalf of Creditor Deere & Company
lobring@msn.com

John Hunt Lovell on behalf of Counter-Defendant Cactus Growers, Inc.
john@lovell-law.net, sabrina@lovell-law.net; shannon@lovell-law.net; [paula@lovell-law.net](mailto: paula@lovell-law.net)

John Frederick Massouh on behalf of Counter-Defendant Cactus Growers, Inc.
john.massouh@sprouselaw.com

Michael W. McClain on behalf of Creditor Grant Gibson
mike@kentuckytrial.com, laura@kentuckytrial.com

Kelly Greene McConnell on behalf of Creditor Supreme Cattle Feeders, L.L.C.
lisahughes@givenspursley.com

James Edwin McGhee on behalf of Creditor Vermilion Ranch Corporation
mcghee@derbycitylaw.com, belliott@derbycitylaw.com; patenaude@derbycitylaw.com

William Robert Meyer on behalf of Creditor Republic Bank and Trust Company
rmeye@stites.com

Christie A. Moore, Bingham Greenbaum Doll
cm@gdm.com, ljs2@gdm.com

Allen Morris on behalf of Creditor Republic Bank and Trust Company
amorris@stites.com, dgoodman@stites.com

Judy Hamilton Morse on behalf of Creditor Heritage Feeders LP
judy.morse@crowedunlevy.com,
ecf@crowedunlevy.com;donna.hinkle@crowedunlevy.com;karol.brown@crowedunlevy.com

Walter Scott Newbern on behalf of Creditor Arcadia Stockyard
wsnewbern@msn.com

Shiv Ghuman O'Neill on behalf of Plaintiff James Knauer, Trustee
shiv.oneill@faegrebd.com, amanda.castor@faegrebd.com

Matthew J. Ochs on behalf of Creditor Peoples Bank of Coldwater Kansas
kim.maynes@moyewhite.com

Michael Wayne Oyler on behalf of Creditor Your Community Bank
moyler@rwsylaw.com

Ross A. Plourde on behalf of Creditor Crumpler Bros.
ross.plourde@mcafeetaft.com, erin.clogston@mcafeetaft.com

Wendy W Ponader on behalf of Trustee James Knauer
wendy.ponader@faegrebd.com, sarah.herendeen@faegrebd.com

Timothy T. Pridmore on behalf of Counter-Claimant Gabriel Moreno
tpridmore@mcjllp.com, lskibell@mcjllp.com

Anthony G. Raluy on behalf of Creditor Peoples Bank & trust Co. of Pickett County
traluy@fbhllaw.net

Eric C Redman on behalf of Defendant Bankfirst Financial Services
ksmith@redmanludwig.com, kzwickel@redmanludwig.com;myecfmailrl@gmail.com

Eric W. Richardson on behalf of Creditor Fifth Third Bank
ewrichardson@vorys.com, bjtobin@vorys.com

Joe T. Roberts on behalf of Counter-Claimant Laurel Livestock Market, INC.
jratte@windstream.net

Susan K. Roberts on behalf of Creditor Rex Elmore
skr@stuartlaw.com, lbt@stuartlaw.com

Mark A. Robinson on behalf of Creditor Cactus Growers, Inc.
mrobinson@vhrlaw.com, dalbers@vhrlaw.com

John M. Rogers on behalf of Creditor Joplin Regional Stockyards
johnr@rubin-levin.net, susan@rubin-levin.net

Joseph H Rogers on behalf of Defendant Nichols Livestock
jrogers@millerdollarhide.com, cdow@millerdollarhide.com

Jeremy S Rogers on behalf of Other Professional Elizabeth Lynch
Jeremy.Rogers@dinslaw.com, joyce.jenkins@dinslaw.com

James E Rossow on behalf of Counter-Defendant Superior Livestock Auction, Inc.
jim@rubin-levin.net, susan@rubin-levin.net; ATTY_JER@trustesolutions.com

Thomas C Scherer on behalf of Creditor Cullman Stockyard, Inc.
tscherer@bgdlegal.com, mmcclain@bgdlegal.com

Ivana B. Shallcross on behalf of Creditor Joplin Regional Stockyards
ishallcross@bgdlegal.com, smays@bgdlegal.com; tmills@bgdlegal.com

William E Smith on behalf of Creditor Coffeyville Livestock Market, LLC
wsmith@k-glaw.com, pballard@k-glaw.com

James E. Smith on behalf of Cross Defendant Diamond B Ranches
jsmith@smithakins.com, legalassistant@smithakins.com

Joshua N. Stine on behalf of Counter-Defendant Fifth Third Bank
kabritt@vorys.com

Andrew D Stosberg on behalf of Defendant Willie Downs
astosberg@lloydmc.com

Meredith R. Thomas on behalf of Other Professional Kathryn Pry
mthomas@daleeke.com

John M. Thompson on behalf of Creditor Heritage Feeders LP
john.thompson@crowedunlevy.com,
jody.moore@crowedunlevy.com,donna.hinkle@crowedunlevy.com

Christopher M. Trapp on behalf of Petitioning Creditor Superior Livestock Auction, Inc.
cstrapp@rubin-levin.net, lemerson@rubin-levin.net

U.S. Trustee
ustpregion10.in.ecf@usdoj.gov

Andrea L Wasson on behalf of Creditor Lytle Street Development
andrea@wassonthornhill.com

Stephen A. Weigand on behalf of Creditor First Bank and Trust Company, The
sweigand@fclaw.com

Charles R. Wharton on behalf of U.S. Trustee U.S. Trustee
Charles.R.Wharton@usdoj.gov, Charles.R.Wharton@usdoj.gov

Jessica E. Yates on behalf of Creditor CPC Livestock, LLC
jyates@swlaw.com, docket_den@swlaw.com; mmccleery@swlaw.com; voconnor@swlaw.com

James T Young on behalf of Intervenor Michael Walro
james@rubin-levin.net, lemerson@rubin-levin.net; carmen@rubin-levin.net

I further certify that on June 29, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher
asr@blancolaw.com

Darla J. Gabbitas
darla.gabbitas@moyewhite.com

/s/ Kevin M. Toner